

REMARKS

In response to the office action dated 12 June 2007, the applicants request reconsideration of the above-identified application in view of the following remarks. Claims 1-20 are pending in the application, and are rejected. Claims 1, 3-5, 7, and 9-11 will be amended and claims 2 and 8 will be canceled, upon entry of the present amendment. No new matter has been added.

Interview Summary

The applicants thank Examiner Allahyar Kasraian for the courtesy of the telephone interview on Friday, August 10, 2007, with the applicants' representative Robert E. Mates. The Okuba and Stadelmeier references were discussed.

Rejections of Claims Under '102

Claim 1 was rejected under 35 USC § 102(b) as being anticipated by Koohgoli et al. (U.S. Patent 5,276,908, Koohgoli). The applicants respectfully traverse.

Independent claim 1 will be amended upon entry of the present amendment to include features recited in dependent claim 2. Claim 2 was rejected under 35 USC § 103(a) and is discussed below. The applicants respectfully submit that amended independent claim 1 is in condition for allowance.

Claim 7 was rejected under 35 USC § 102(e) as being anticipated by Choi et al. (U.S. Patent 7,206,840, Choi). The applicants respectfully traverse.

Choi issued on 17 April 2007, which is after the filing date of the present application. The applicant does not admit that Choi is prior art, and reserves the right to swear behind Choi at a later date.

Independent claim 7 will be amended upon entry of the present amendment to include features recited in dependent claim 8. Claim 8 was rejected under 35 USC § 103(a) and is discussed below. The applicants respectfully submit that amended independent claim 7 is in condition for allowance.

Rejections of Claims Under '103

Claims 2 and 4 were rejected under 35 USC § 103(a) as being unpatentable over Koohgoli in view of Okuba (U.S. Patent Publication No. 2004/0156334 A1). Claims 8, 10, 13, 15, 17 and 19 were rejected under 35 USC § 103(a) as being unpatentable over Choi in view of Okuba. The applicants respectfully traverse.

The applicants respectfully submit that Okubo is not prior art under 35 USC §102(e). The above-identified application was filed on 7 July 2003, before Okubo was published as a U.S. Published Application. Okubo derives from a PCT application number PCT/JP02/03155, filed on 29 March 2002. A copy of WO 03/084269 A1 is submitted herewith in an Information Disclosure Statement. WO 03/084269 A1 is the WIPO publication of PCT application PCT/JP02/03155, and is published in Japanese.

The MPEP has set forth examination guidelines for applying references under 35 USC §102(e). MPEP 706.02(f)(1). An international application that was not published in English under PCT Article 21(2) cannot be used as a reference under 35 USC §102(e) as of its international filing date. MPEP 706.02(f)(1)(I)(C)(2). The international application from which Okubo claims priority was not published in English.

The applicants respectfully submit that Okubo is not prior art under 35 USC §102(e), and request that the rejections of claims 2, 4, 8, 10, 13, 15, 17 and 19 be withdrawn. The applicants respectfully submit that claims 2, 4, 8, 10, 13, 15, 17 and 19 are in condition for allowance.

Claims 3 and 5 were rejected under 35 USC § 103(a) as being unpatentable over Koohgoli in view of Frixon (U.S. Patent 5,138,456). Claim 6 was rejected under 35 USC § 103(a) as being unpatentable over Koohgoli in view of Lopez (U.S. Patent 7,177,291 B1). The applicants respectfully traverse.

Amended claims 3 and 5 and claim 6 are dependent on amended independent claim 1, and recite further features with respect to claim 1. For reasons analogous to those stated above, and the features in the claims, the applicants respectfully submit that amended claims 3 and 5 and claim 6 are not shown or suggested by the cited references and are in condition for allowance.

Claims 9 and 11 were rejected under 35 USC § 103(a) as being unpatentable over Choi in view of Frixon. Claim 12 was rejected under 35 USC § 103(a) as being unpatentable over Choi in view of Lopez. The applicants respectfully traverse.

Amended claims 9 and 11 and claim 12 are dependent on amended independent claim 7, and recite further features with respect to claim 7. For reasons analogous to those stated above, and the features in the claims, the applicants respectfully submit that amended claims 9 and 11 and claim 12 are not shown or suggested by the cited references and are in condition for allowance.

Claim 13 was rejected under 35 USC § 103(a) as being unpatentable over Choi in view of Stadelmeier et al. (U.S. Patent Publication No. 2004/0157580 A1, Stadelmeier). Claim 14 was rejected under 35 USC § 103(a) as being unpatentable over Choi in view of Frixon and Stadelmeier. Claim 15 was rejected under 35 USC § 103(a) as being unpatentable over Choi in view of Stadelmeier and Okuba. Claim 16 was rejected under 35 USC § 103(a) as being unpatentable over Choi in view of Stadelmeier and Frixon. Claim 17 was rejected under 35 USC § 103(a) as being unpatentable over Choi in view of Stadelmeier, and further in view of Pope, Jr. et al. (U.S. Patent 6,654,616 B1, Pope). Claim 18 was rejected under 35 USC § 103(a) as being unpatentable over Choi in view of Stadelmeier, Frixon, and Pope. Claim 19 was rejected under 35 USC § 103(a) as being unpatentable over Choi in view of Stadelmeier, Pope, and Okuba. Claim 20 was rejected under 35 USC § 103(a) as being unpatentable over Choi in view of Stadelmeier, Pope, and Frixon.

The applicants respectfully submit that Stadelmeier is not prior art under 35 USC §102(e). The above-identified application was filed on 7 July 2003, before Stadelmeier was published as a U.S. Published Application. Stadelmeier derives from EP application number 03002025.9, filed on 28 January 2002.

Under 35 USC §102(e), MPEP 706.02(f)(1), an international application that was not published in English under PCT Article 21(2) cannot be used as a reference under 35 USC §102(e) as of its international filing date. MPEP 706.02(f)(1)(I)(C)(2). The international application from which Stadelmeier claims priority was not published under PCT Article 21(2).

The applicants respectfully submit that Stadelmeier is not prior art under 35 USC §102(e), and request that the rejections of claims 13-20 be withdrawn. The applicants respectfully submit that claims 13-20 are in condition for allowance.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

The applicants respectfully submit that all of the pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is invited to telephone the below-signed attorney at 612-373-6973 to discuss any questions which may remain with respect to the present application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 29 August 2007

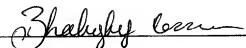
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